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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

DEONTE TRAYLOR,

Defendant and Appellant.

A123472

(Solano County
Super. Ct. No. FCR258429)

Deonte Traylor appeals from a judgment following a plea of no contest and imposition of sentence. His counsel has raised no issues and asks this court for an independent review of the record to determine whether there are any issues that would, if resolved favorably to defendant, result in reversal or modification of the judgment. (*People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436; see *Smith v. Robbins* (2000) 528 U.S. 259.) Counsel has notified defendant that he can file a supplemental brief with the court. No supplemental brief has been received. Upon independent review of the record, we conclude that no arguable issues are presented for review and affirm the judgment.

STATEMENT OF FACTS AND PROCEDURAL HISTORY¹

A complaint was filed by the Solano County District Attorney on August 21, 2008, charging defendant with possession of a short-barreled rifle (Pen. Code,² § 12020,

¹ Since the present appeal is from a no contest plea, we need only concisely recite the facts pertinent to the underlying conviction as necessary to our limited review on appeal. The facts are taken from the probation report.

subd. (a)), carrying a loaded firearm that was not registered (§ 12031, subd. (a)(1), (2)(f)), and carrying a concealed firearm in a vehicle (§ 12025, subd. (a)(3)).

The probation report stated defendant was the passenger in a vehicle stopped by a Fairfield police officer for having front tinted windows. After receiving permission from the driver to conduct a search of the vehicle, the officer found a white pillowcase containing a sawed-off rifle behind the driver's seat. According to defendant, the driver picked up their friend, Armando, a Norteño gang member, who entered the car carrying an unknown object in a white pillowcase that he shoved down the front of his shorts. After a 10-minute conversation, Armando left the vehicle, and defendant and the driver drove around until pulled over by the officer.

Pursuant to a negotiated disposition, defendant pleaded no contest to possession of a short-barreled rifle with the understanding that he would be placed on probation with credit for time served and the remaining charges would be dismissed.

At sentencing, imposition of sentence was suspended, and defendant was placed on formal probation for three years. Defendant was sentenced to 15 days in county jail with 15 days of credit for time served. The court imposed various terms and conditions of probation including one gang condition prohibiting him from associating with known gang members. Defendant did not object to this gang association condition. No other gang conditions were imposed.

Defendant filed a timely notice of appeal challenging the sentence and other matters occurring after the plea.

DISCUSSION

We have reviewed the record on appeal. By entering a plea of no contest, defendant has admitted the sufficiency of the evidence establishing the crime, and therefore is not entitled to a review of any issue that goes to the question of whether he is guilty or not guilty. (*People v. Hunter* (2002) 100 Cal.App.4th 37, 42.) Without a certificate of probable cause, defendant cannot contest the validity of his plea; the only

² All statutory references are to the Penal Code.

issues cognizable on appeal are issues relating to the validity of a denial of a motion to suppress or issues relating to matters arising after the plea was entered. (§ 1237.5; Cal. Rules of Court, rule 8.304(b)(4).) Defendant did not obtain a certificate of probable cause, and in any event his notice of appeal challenges only postplea events.

Defendant was represented by counsel throughout the proceedings. We find no support in the record for any claims on appeal of ineffective assistance of counsel.

We find no meritorious sentencing issues that would require reversal of the judgment. The imposition of the probation condition prohibiting defendant from associating with known gang members was justified in light of defendant's version that Armando, a friend and known Norteño gang member, brought the weapon into vehicle.

We find no arguable issues that require further briefing, and accordingly affirm the judgment.

Margulies, J.

We concur:

Marchiano, P.J.

Graham, J.*

* Retired judge of the Superior Court of Marin County assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.